Meeting of States Parties

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17 June 2005

Original: English

Fifteenth Meeting
New York, 16-24 June 2005

Draft decision on adjustment of the remuneration of members of the International Tribunal for the Law of the Sea

The Meeting of States Parties,

Considering that, in respect of the level of remuneration of the members of the International Tribunal for the Law of the Sea ("the Tribunal"), the fourth Meeting of States Parties decided to maintain equivalence with the remuneration levels of members of the International Court of Justice,

Considering also that the General Assembly, in its resolution 59/282 of 13 April 2005, decided, with retroactive effect from 1 January 2005, to increase the annual salary and pensions of the members of the International Court of Justice by 6.3 per cent as an interim measure; pending a decision of the General Assembly based on the report requested in paragraph 8 of part III of that resolution,

Considering further the request of the Tribunal as contained in document SPLOS/2005/WP.1,

Noting that the proposed increase will be financed in large part from savings from previous financial periods, and on the understanding that thereafter every effort will be made in order to find corresponding savings elsewhere in the budget,

1. *Decides*, as an interim measure, and pending a decision by States Parties based on a report by the Registrar, taking into account the report requested in paragraph 8 of part III of resolution 59/282, to approve an adjustment of the maximum annual remuneration of the members of the Tribunal to the level of the emoluments of the members of the International Court of Justice established in General Assembly resolution 59/282, that is, $170,080 United States dollars, effective 1 January 2005, as well as an adjustment of pensions in payment in accordance with article 7, paragraph 2, of the pension regulations for members of the International Tribunal for the Law of the Sea, effective 1 January 2005;

2. *Also decides*, in the event that the Tribunal is unable to meet expenditures for 2005-2006 from approved appropriations made in the budget line "Special allowances of judges" under part I, to authorize the Registrar to incur expenditures to the extent that the shortfall in appropriation results from an increase in daily subsistence allowance as fixed by the United Nations;

05-39065 (E) 200605

3. *Authorizes* the Tribunal to finance overexpenditures referred to in paragraphs 1 and 2 above by transfers between appropriation sections as far as possible and by using part of the savings of $500,000 United States dollars from the financial period 2002, up to an amount of €115,500 euros;

4. *Decides* that the Registrar shall report to the Meeting of States Parties on all relevant implications concerning any action taken pursuant to the present decision.

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Draft decision on a floor/ceiling mechanism to regulate the remuneration of the members of the International Tribunal for the Law of the Sea

The Meeting of States Parties,

Considering that, in respect of the level of remuneration of the members of the International Tribunal for the Law of the Sea, the fourth Meeting of States Parties decided to maintain equivalence with the remuneration levels of members of the International Court of Justice,

Considering also that the General Assembly devised a currency floor/ceiling mechanism for the emoluments of the members of the International Court of Justice through its resolution 43/217 of 21 December 1988 in order to deal with exchange rate fluctuations between the United States dollar and the local currency at the seat of the Court and that this mechanism has been applied since then to the emoluments of the members of the Court,

Considering further that the remuneration of the members of the Tribunal has been significantly affected by exchange rate fluctuations,

Having considered the request of the Tribunal as contained in document SPLOS/2005/WP.2,

Noting that the proposed increase will be financed in large part from savings from previous financial periods and on the understanding that thereafter every effort will be made in order to find corresponding savings elsewhere in the budget,

1. *Decides* to apply to the annual allowance and the special allowance of the members of the Tribunal, effective 1 July 2005, the same floor/ceiling mechanism as is applicable to the emoluments of the members of the Court, on the understanding that any adjustment made to the mechanism in respect of the Court would equally apply to the mechanism in respect of the Tribunal;

2. *Decides also* to authorize the Tribunal to finance overexpenditures due to the application of the floor/ceiling mechanism by using part of the savings from the financial period 2002 up to an amount of 263,000 euros and those from the financial period 2004 up to an amount of 150,000 euros;

05-39071 (E) 200605

3. *Approves* a supplementary budget of 351,899 euros for the financial period 2005-2006;

4. *Decides* that the Registrar shall report to the sixteenth Meeting of States Parties on any action taken pursuant to the present decision.